No. 83-1402

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

JOHN C. CONDON,
Petitioner

V.

STATE OF MAINE,
Respondent

ON WRIT OF CERTIORARI TO THE
SUPREME JUDICIAL COURT OF THE
STATE OF MAINE

BRIEF IN OPPOSITION

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The citation to the opinion of the Supreme Judicial Court of Maine in State of Maine v. John C. Condon is State v. Condon, 468 A.2d 1348 (Me. 1983).

STATEMENT OF THE CASE

On the night of September 27, 1981, Maureen and James Austin, the sister and brother-in-law of Petitioner Condon, and their twelve-year-old son, Douglas, were stabbed to death in their home on Seabourne Drive in Yarmouth, Maine. In addition, a fire was set in an upstairs bedroom and some jewelry and the family automobile were taken. In a jury trial in Maine Superior Court (Cumberland County), Petitioner was convicted of three counts of murder (17-A M.R.S.A. § 201(1)(A) and (B)), one count of arson (17-A M.R.S.A. § 802), and

two counts of theft by unauthorized taking (17-A M.R.S.A. §§ 353, 362). State v. Condon, 468 A.2d 1348, 1349 (Me. 1983).

1. The Police Interrogation.

Mr. Condon was neither suspected of nor being investigated with regard to any homicide at the outset of his interview with Detective Sergeant Sanborn on September 28, 1981. (T., Vol. V at 142, 146, 147, and 133). At the time that Detective Sanborn began his interview with Mr. Condon and gave him Miranda warnings, Mr. Condon had been arrested for driving without a license (T., Vol. V at 141) and Detective Sanborn was aware that a death had occurred in Yarmouth in the same house from which came the vehicle that Mr. Condon had been driving (T., Vol. V at 142-43); however, Detective Sanborn had no knowledge

that a triple homicide or any homicide had been committed in the Yarmouth house (T., Vol. V at 142, 146, 147, and 133). Concerned that Mr. Condon may have been involved in a burglary on account of his possession of a vehicle for which he could not prove ownership and his injured hands (T., Vol. V at 134, 147), Detective Sanborn "[s]tarted the interview with the intent to find out why he [Petitioner] was in possession of a vehicle" (T., Vol. V at 142). Hence, after giving the Miranda warnings, receiving Mr. Condon's affirmative response that he understood his rights and was willing to answer certain questions (T., Vol. V at 130, 137), and receiving Mr. Condon's affirmative nod that he would refuse to answer any questions that he chose to (T., Vol. V at 130-33,

137-41), Detective Sanborn's first question to Petitioner was: "I can only assume based on the information I have been given at this point, Son, that you were over in Yarmouth earlier and obtained a motor vehicle. Is that accurate thus far?" (T., Vol. V at 137; see Vol. V at 130). It was not until perhaps half way through the interview that Detective Sanborn was made aware by Lieutenant Toderico that the death at the Yarmouth house was in fact three homicides (T., Vol. V at 147-48).

Lieutenant Toderico's trial testimony that he suspected Mr. Condon of murder prior to the beginning of Detective Sanborn's interrogation (T., Vol. VI at 16-17) was not presented at the voir dire hearing into whether Mr. Condon's waiver of his Miranda rights was knowing,

intelligent, and voluntary. Detective Sanborn, who conducted the interrogation and gave the Miranda warnings to Mr. Condon, neither suspected nor was investigating Mr. Condon with regard to any homicide at the outset of the interview. (T., Vol. V at 142, 146, 147, and 133).

2. The Jury Voir Dire.

In the course of individual voir dire of the prospective jurors, nine of the twelve trial jurors who ultimately served in the instant case answered in response to Defense Counsel's own questions that they would be able to return a verdict of not guilty by reason of insanity without regard for the dispositional consequences of that verdict for Mr. Condon. (Constance Porter (T., Vol. II at 106-07); Mary Jenson (T., Vol. II at 226-27); Ruth Peterson (T., Vol.

II at 239-40); Denise Jacques (T., Vol. III at 86-87); Beverly Johnson (T., Vol. III at 93); James Villacci (T., Vol. III at 114); Mary Dougherty (T., Vol. III at 125-26); Barbara Hobbs (T., Vol. III at 131-32); and John Boyd (T., Vol. III at 137)). The two alternate jurors answered the same, again in response to Defense Counsel's own questions. (Estelle Bragdon (T., Vol. III at 186); Sandra Rich (T., Vol. III at 204-05)). Defense Counsel did not ask the three remaining trial jurors on individual voir dire whether they would be able to reach a not-guilty-by-reason-of-insanity verdict without regard for the dispositional consequences of that verdict for Mr. Condon; however, all three of these jurors answered in response to Defense Counsel's questions that they would return

a verdict of not guilty by reason of insanity if the evidence established that Mr. Condon was insane at the time of the killings. (Helen DeRice (T., Vol. I at 203-04); Eleanor Black (T., Vol. II at 74); Helen Cabral (T., Vol. II at 81)).

3. Trial Evidence Rebutting Mr. Condon's Insanity Defense.

(A) Dr. Ulrich Jacobsohn, called by the Defense as an expert witness concerning Mr. Condon's mental condition, testified that in September 1981 - around the time that the Defendant killed the Austins - the Defendant was in the "beginning of a manic phase, but we do not have evidence to support a finding that he had, indeed, lost contact with reality." (T., Vol. VIII at 162-63). Dr. Jacobsohn also agreed that Mr. Condon's mental condition had not

approached a psychotic level at the time of the killings. (T., Vol. VIII at 162). Later, as a rebuttal witness for the State, Dr. Jacobsohn testified that it was his opinion that on September 27-28, 1981 - the time at which Mr. Condon committed the homicides - Mr. Condon "was neither suffering from mania nor depression on that day." (T., Vol. IX at 187-88). Dr. Jacobsohn based his opinion on

> the description of his [the Defendant's] conduct before [the slayings] and the tape [of Officer Sanborn's interview with the Defendant] as well as my own examination [on September 29, 1981] within 30 hours of the event. Those are fairly close to the time and to me make it within the range of medical certainty that no mania or depressive state existed.

(T., Vol. IX at 188). Dr. Jacobsohn also

testified that when he examined Mr. Condon on September 29, 1981, he saw no evidence of (1) psychomotor retardation or acceleration (T., Vol. IX at 180-81), (2) delusions (T., Vol. IX at 181, 188), (3) amnesia (T., Vol. IX at 181), (4) hallucinations (T., Vol. IX at 181, 188), and (5) an unusual affect in mood, "it was neither depressed nor elated" (T., Vol. IX at 182). Dr. Jacobsohn additionally testified that, after reading the transcript of Mr. Condon's tape-recorded interview with Detective Sanborn, he concluded that

> the answers were quite responsive and they were appropriate. But I didn't know what the rate of speech was and what the inflection of the voice was, so I asked to hear the tape [State's Exhibit #60 - the same tape the jury had already listened_

> to (T., Vol. V at 157-58)] specifically for the purpose of listening to the tempo or the rate of words, the speed of the productions, to make a determination whether he was or was not at that time in a manic episode. And to the best of my abilities I just could not detect any acceleration of thought based on that tape.

(T., Vol. IX at 189).

(B) Defense Exhibit #2C - a hospital record of Mr. Condon's admission to the Augusta Mental Health Institute on January 21, 1982 (T., Vol. VII at 33-34, 72-73) - reported that Mr. Condon had made comments at the Cumberland County Jail that his bizarre behavior was simply an attempt to make everyone think he was crazy at the time he committed the Austin homicides. (T., Vol. VII at 73; T., Vol. VIII at 32).

(C) Alwyn Martin testified that Mr. Condon acted like a "perfect gentleman" on the weekend of September 26-27, 1981, when purchasing from Martin the K-Bar knife that Mr. Condon used to kill the Austins. (T., Vol. IV at 115-16).

(D) Billie Ann Larkin testified that Mr. Condon was very "polite" on the evening of September 27, 1981, when she served him coca-cola at Bubba's Restaurant. (T., Vol. IV at 132, 144). On cross-examination, Larkin also testified that although Mr. Condon was "ill at ease and impatient" to use the telephone in the restaurant he was not "jumpy," "belligerent," "hyper," or "strange." (T., Vol. IV at 134, 138-39, 142-43).

(E) James Bilodeau, a detective with the Scarborough Police Department, testified that Mr. Condon was oriented as to time, place, and person, responded appropriately to questions, and was not hyperactive when he questioned Mr. Condon at approximately 6:15 a.m. on September 26, 1981, with regard to the burglary at the Hay and Peabody Funeral Home. (T., Vol. VII at 102-03).

(F) Scarborough Police Officer David Twombly testified that Mr. Condon was oriented as to time, place, and person - i.e., knew where he was, where he was going, who he was, and who Officer Twombly was - when Officer Twombly stopped Mr. Condon on his motorcycle for speeding on September 25, 1981. (T., Vol. VII at 93).

(G) Dr. Thomas DeFanti testified that Mr. Condon was oriented as to time, place, and person - i.e., knew that he was at the Maine Medical Center, knew that he was John Condon, and responded appropriately to questions - when Dr. DeFanti treated him on September 26, 1981, between approximately 3:00 a.m. - 4:00 a.m. at the Maine Medical Center. (T., Vol. IX at 169-70).

REASONS WHY THE WRIT SHOULD BE DENIED

I. THE MAINE SUPREME JUDICIAL COURT'S DECISION THAT A TRIAL JURY SHOULD NOT BE INSTRUCTED ON THE DISPOSITIONAL CONSEQUENCES OF A VERDICT OF NOT GUILTY BY REASON OF INSANITY WAS A FAIR RESULT ON THE FACTS OF THIS PARTICULAR CASE.

This Court should deny Mr. Condon's petition for a writ of certiorari, at least

on the issue of whether a trial jury should be instructed on the dispositional consequences of a verdict of not guilty by reason of insanity, because the Maine Supreme Judicial Court's decision that a jury should not be so instructed was a fair result on the facts of this case. Nine of the twelve trial jurors in this case answered in response to Defense Counsel's own questions during individual voir dire that they would be able to return a verdict of not guilty by reason of insanity without regard for the dispositional consequences of that verdict for the Defendant. (Constance Porter (T., Vol. II at 106-07); Mary Jenson (T., Vol. II at 226-27); Ruth Peterson (T., Vol. II at 239-40); Denise Jacques (T., Vol. III at 86-87); Beverly Johnson (T., Vol. III at 93); James

Villacci (T., Vol. III at 114); Mary Dougherty (T., Vol. III at 125-26); Barbara Hobbs (T., Vol. III at 131-32); and John Boyd (T., Vol. III at 137)). The two alternate jurors answered the same, again in response to Defense Counsel's own questions on individual voir dire. (Estelle Bragdon (T., Vol. III at 186); Sandra Rich (T., Vol. III at 204-05)). Defense Counsel did not ask the three remaining trial jurors on individual voir dire whether they would be able to reach a not-guilty-by-reason-of-insanity verdict without regard for dispositional consequences; however, all three of these jurors answered in response to Defense Counsel's voir dire questions that they would return a verdict of not guilty by reason of insanity if the evidence

established that the Defendant was insane at the time of the killings. (Helen DeRice (T., Vol. I at 203-04); Eleanor Black (T., Vol. II at 74); Helen Cabral (T., Vol. II at 81)). Neither on his appeal to the Maine Supreme Judicial Court nor in the instant petition does Petitioner set forth any evidence to show that the trial jurors were dishonest in their voir dire answers or that they did other than what they said they would do in reaching their verdict.

Petitioner contends that the trial jurors in his case should have been instructed on the dispositional consequences of an insanity verdict to avoid the possibility that the jurors, on the mistaken assumption that an insanity acquittee would be set free into the community, would skip over the evidence of

insanity and return a guilty verdict in order to insure Petitioner's confinement and removal from society. However, given that nine trial jurors answered on individual voir dire that they would be able to return an insanity verdict without regard for dispositional consequences and that the remaining three jurors stated that they would return a not-guilty-by-reason-of insanity verdict if warranted by the evidence, Petitioner's requested instruction on dispositional consequences was unnecessary in this case because all twelve jurors stated in one way or another that they would give due consideration to the evidence of insanity and decide the issue on a proper basis.

Moreover, the jury's verdict of guilty and the rejection of Mr. Condon's insanity

defense were well-supported by the evidence, further indicating that Mr. Condon was not deprived of a fair trial by the refusal to instruct the jury on the dispositional consequences of an insanity verdict. Dr. Ulrich Jacobsohn, called by the Defense as an expert witness concerning the Defendant's mental condition, testified that in September 1981 - around the time that the Defendant killed the Austins - the Defendant was in the "beginning of a manic phase, but we do not have evidence to support a finding that he had, indeed, lost contact with reality." (T., Vol. VIII at 162-63). Dr. Jacobsohn also agreed that the Defendant's mental condition had not approached a psychotic level at the time of the killings. (T., Vol. VIII at 162). Later, as a rebuttal witness for the State,

Dr. Jacobsohn testified that it was his opinion that on September 27-28, 1981 - the time at which the Defendant committed the homicides - the Defendant "was neither suffering from mania nor depression on that day." (T., Vol. IX at 187-88). Dr. Jacobsohn based his opinion on

> the description of his [the Defendant's] conduct before [the slayings] and the tape [of Officer Sanborn's September 28th interview with the Defendant] as well as my own examination [on September 29, 1981] within 30 hours of the event. Those are fairly close to the time and to me make it within the range of medical certainty that no mania or depressive state existed.

(T., Vol. IX at 188). Dr. Jacobsohn also testified that when he examined the Defendant on September 29, 1981, he saw no

evidence of (1) psychomotor retardation or acceleration (T., Vol. IX at 180-81), (2) delusions (T., Vol. IX at 181, 188), (3) amnesia (T., Vol. IX at 181), (4) hallucinations (T., Vol. IX at 181, 188), and (5) an unusual affect in mood, "it was neither depressed nor elated" (T., Vol. IX at 182). In addition, the testimony of other witnesses who observed Mr. Condon's conduct in the days immediately prior to the homicides without noticing any signs or symptoms of manic-depression contradicted the exculpatory expert testimony that Mr. Condon was suffering from mental illness at the time of the killings. See State v. Condon, 468 A.2d 1348, 1351 (Me. 1983).

For the above reasons, the Maine Supreme Judicial Court's decision that a trial jury should not be instructed on the

dispositional consequences of a verdict of not guilty by reason of insanity was a fair result on the facts of this particular case. This Court should therefore exercise its discretion against granting Mr. Condon's petition on this issue.

II. THE MAINE SUPREME JUDICIAL COURT GAVE FULL CONSIDERATION TO THE ISSUE OF WHETHER MR. CONDON KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY WAIVED HIS MIRANDA RIGHTS IN THE ABSENCE OF BEING INFORMED THAT HE WAS A CRIMINAL HOMICIDE SUSPECT AND DECIDED THE ISSUE CORRECTLY.

The Maine Supreme Judicial Court followed the rule embraced by the Third, Fourth, and Fifth Circuits that a suspect's ignorance of the exact crime for which he is being interrogated is but one factor to consider in the determination of whether

there has been, in the totality of the circumstances, an effective waiver of Miranda rights. State v. Condon, 468 A.2d 1348, 1350 (Me. 1983) (citing Carter v. Garrison, 656 F.2d 68, 70 (4th Cir. 1981), cert. denied, 455 U.S. 952 (1982); United States v. McCrary, 643 F.2d 323, 329-30 & n.11 (5th Cir. 1981); Collins v. Brierly, 492 F.2d 735, 738-39 (3rd Cir.), cert. denied, 419 U.S. 877 (1974). Under the totality of the circumstances, the Maine Court correctly decided that Mr. Condon did knowingly, intelligently, and voluntarily waive his Miranda rights, even though Mr. Condon was not informed prior to the waiver that he was a criminal homicide suspect.

Petitioner takes the opposite position, i.e., that under the totality of the circumstances Petitioner's waiver could not

have been knowing, intelligent, and voluntary because he was not informed prior to the waiver that he was a suspect in a criminal homicide. This position rests on several factual points, particularly (1) that Mr. Condon did not verbally and clearly waive his Miranda rights at the outset of the interrogation and (2) that Mr. Condon was suspected of criminal homicide from the outset of the interrogation. (Petition at 57-60). As for the first point, however, "an explicit statement of waiver is not invariably necessary to support a finding that the defendant waived the right to remain silent or the right to counsel guaranteed by the Miranda case." North Carolina v. Butler, 441 U.S. 369, 375-76 & n.6 (1979). Moreover, pursuant to Butler the Maine

Supreme Judicial Court found that "[t]he record provides rational support for the presiding justice's determination that the defendant knowingly, intelligently, and voluntarily waived his rights after receiving his Miranda warnings." State v. Condon, 468 A.2d at 1350. Hence, a review of this issue by this Court would involve primarily delving into the Maine courts' findings of facts made pursuant to familiar legal rules, which is not an appropriate matter for review by this Court.

The inappropriateness of Petitioner's issue for review by this Court on this ground is further illustrated by the second factual point underlying Petitioner's position, i.e., that Mr. Condon was suspected of criminal homicide from the outset of the interrogation. On the

contrary, the testimony at the voir dire hearing concerning the adequacy of Mr. Condon's waiver was unequivocal and uncontradicted that Mr. Condon was neither suspected of nor being investigated with regard to any homicide at the outset of his interview with Detective Sergeant Sanborn. (T., Vol. V at 142, 146, 147, and 133). At the time that Detective Sanborn began his interview with Mr. Condon and gave him Miranda warnings, Mr. Condon had been arrested for driving without a license (T., Vol. V at 141) and Detective Sanborn was aware that a death had occurred in Yarmouth in the same house from which came the vehicle that Mr. Condon had been driving (T., Vol. V at 142-43); however, Detective Sanborn had no knowledge that a triple homicide or any homicide had been committed

in the Yarmouth house (T., Vol. V at 142, 146, 147, and 133). Concerned that Mr. Condon may have been involved in a burglary on account of his possession of a vehicle for which he could not prove ownership and his injured hands (T., Vol. V at 134, 147), Detective Sanborn "[s]tarted the interview with the intent to find out why he [Petitioner] was in possession of a vehicle" (T., Vol. V at 142). Hence, after giving the Miranda warnings, Detective Sanborn's first question to Petitioner was: "I can only assume based on the information I have been given at this point, Son, that you were over in Yarmouth earlier and obtained a motor vehicle. Is that accurate thus far?" (T., Vol. V at 137; see Vol. V at 130). It was not until perhaps half way through the interview that Detective

Sanborn was made aware by Lieutenant Toderico that the death at the Yarmouth house was in fact three homicides (T., Vol. V at 147-48). Petitioner's assertion that the State's "interrogation of petitioner did in fact involve from the very beginning a ... 'homicide' (Toderico)" (Petition at 59) is an inference drawn from Lieutenant Toderico's trial testimony (T., Vol. VI at 16-17); however, this evidence was never presented at the voir dire hearing into whether Mr. Condon's waiver of his Miranda rights was knowing, intelligent, and voluntary. Moreover, it was Detective Sanborn who conducted the interrogation, and he neither suspected nor was investigating Mr. Condon with regard to any homicide at the outset of the interview. (T., Vol. V at 142, 146, 147, and 133).

Hence, the State's position is that even if arguendo the police do have a duty as part of the Miranda warnings to inform a suspect of the crime which is being investigated, Detective Sanborn could not have informed Mr. Condon at the time of the Miranda warnings that Condon was suspected of murder because at that time Condon was not. The State's position therefore underscores the State's earlier point that a review by this Court of the issue presented by Petitioner would involve delving into issues of fact concerning the totality of the circumstances in which the waiver was given, which issues are not appropriate matter for review by this Court, rather than confronting simply the straight issue of law as to whether police have a duty as part of the Miranda warnings to inform a suspect of the crime which is being investigated.

Finally, under the totality of the circumstances, the Maine Supreme Judicial Court correctly decided that Mr. Condon did knowingly, intelligently, and voluntarily waive his Miranda rights. First, after being given Miranda warnings, Mr. Condon stated that he was willing to answer police questions "[t]o a certain extent" without an attorney; and second, Petitioner nodded his head affirmatively that he understood he could refuse to answer any questions. (T., Vol. V at 137-41, 130-33). Third, "[t]he record contains no evidence of force or intimidation." State v. Condon, 468 A.2d at 1350. Fourth, the possible burglary and car theft, about which Petitioner was interrogated at the outset of the interview, and a possible homicide did not involve unrelated criminal conduct

and crimes. All of the criminal activity occurred at the same time and place. In answering questions concerning the possible burglary and car theft, Petitioner knew that he was discussing a possible criminal incident that had recently occurred at the Austin residence where, as it developed later, the Austin homicides had also occurred. State v. Condon, 468 A.2d at 1350. Fifth, Mr. Condon demonstrated both his understanding of and his ability to exercise his rights to remain silent and to have counsel present before or during interrogation because later in the interview, when Detective Sanborn's questioning began to focus on the slaying of Mr. Condon's sister, Petitioner stated, "I'm not going to open my mouth too much about that" (T., Vol. V at 119-20), and

then subsequently stated, "No, I don't want to talk about any homicide, no. I'll get a lawyer before I do that. ... That's a Miranda right there" (see the Transcript of State's Exhibit #60 (the cassette tape of Detective Sanborn's interview with Mr. Condon) at 29). Given this evidence, the Maine courts did not err in finding that Petitioner knowingly, intelligently, and voluntarily waived his Miranda safeguards up to the point where he stated, "I'm not going to open my mouth too much about that." If Mr. Condon had wanted to retract his waiver at any time prior to this point, e.g., in response to Sanborn's question "Have you ever taken anyone's life, Son?" (T., Vol. V at 119), Petitioner's exercise of his Miranda rights soon afterwards demonstrates that he understood he could

have exercised them at that earlier point. The fact that he did not and instead answered, "No. Never. No. Why? Did someone knock off my sister or something?" (T., Vol. V at 119) - thereby initiating the specific subject of his sister's death (T., Vol. V at 159) - indicates that Petitioner had decided to answer that question and was not yet ready to retract his waiver.

For all of these reasons, the Maine Supreme Judicial Court correctly decided that, under the totality of the circumstances, Mr. Condon did knowingly, intelligently, and voluntarily waive his Miranda rights. For this reason, and also because a review by this Court of the issue presented by Petitioner would involve delving into questions of fact rather than confronting simply a straight issue of law,

this Court should exercise its discretion against granting Mr. Condon's petition on this issue.

III. THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE DENIED BECAUSE IT WAS FILED OUT OF TIME UNDER U.S. SUP. CT. RULE 20.1.

Mr. Condon's petition for a writ of certiorari should be denied because it was not filed within sixty days after the entry of the Maine Supreme Judicial Court's judgment in State of Maine v. John C. Condon, 468 A.2d 1348 (Me. 1983). U.S. Sup. Ct. Rule 20.1. The Maine Court's judgment was entered on December 5, 1983. Mr. Condon's petition for a writ of certiorari was not filed with the Clerk of the United States Supreme Court, however, until February 21, 1984, seventy-eight (78)

days after the entry of the Maine Court's judgment. The petition should therefore be denied.

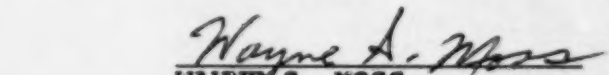
Petitioner presumably tries to bring the filing of his petition within U.S. Sup. Ct. Rule 20.1's sixty-day filing period on the ground that the sixty days began to run on December 21, 1983, the day his petition for rehearing was denied by the Maine Supreme Judicial Court, not December 5, 1983, the day of entry of the Maine Court's judgment. (Petition at 2). Even if Petitioner is correct that the sixty days began to run on December 21, 1983, his petition was still filed out of time because February 21, 1984 - the petition's filing date - was sixty-two (62) days after December 21, 1983.

Moreover, since Maine has no statute, no court rule, and in fact no authority for rehearing or reconsideration by the Maine Supreme Judicial Court of a judgment entered in a direct appeal, U.S. Sup. Ct. Rule 20.1's sixty-day filing period should be computed from the date that the Maine Court's judgment was entered (December 5, 1983), not from the date that Petitioner's petition for rehearing was denied (December 21, 1983). In either case, Mr. Condon's petition for a writ of certiorari was filed outside of Rule 20.1's sixty-day filing period and should therefore be denied.

CONCLUSION

For these reasons, the petition for a writ of certiorari should be denied.

Dated: 4/24/84 Respectfully submitted,



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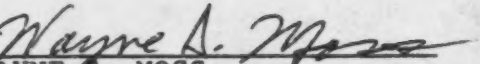
CERTIFICATE OF SERVICE PURSUANT TO U.S. SUP. CT. RULES 28.5(b) AND 35.7

I, Wayne S. Moss, Counsel of Record for Respondent State of Maine and a member of the Bar of the Supreme Court of the United States, hereby certify that pursuant to U.S. Sup. Ct. Rule 28.3 I have caused three (3) copies of the State of Maine's "Brief in Opposition" to be served upon the only other party to this proceeding, i.e., Petitioner John C. Condon, by depositing said copies in a United States Post Office, with first-class postage prepaid, addressed to Petitioner's Counsel of Record as follows:

Oliver C. Biddle, Esquire
30 South 17th Street
Philadelphia, Pennsylvania 19103

Dated at Augusta, Maine, this 24th day of April, 1984.



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